

AN ORDINANCE **96658**

**AMENDING CITY ORDINANCE NOS. 90733 AND 87597 TO
REVISE THE EDWARD'S AQUIFER EXCHANGE PROGRAM
COMPONENT OF THE SAN ANTONIO WATER SYSTEM'S
RECYCLED WATER RATES; RATIFYING SAWS APPLICATION
OF THESE RATES; AND AMENDING CHAPTER 34 OF THE
CITY CODE TO INCORPORATE SUCH REVISIONS.**

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WHEREAS, at the request of San Antonio Water System, the City passed Ordinance No. 87597 on March 26, 1998, which created the program for recycled water service and established rates for that service; and

WHEREAS, part of the program included a special rate structure for customers who trade Edwards Aquifer pumping rights for the same quantity of recycled water service ("Edwards Exchange customers"); and

WHEREAS, the special rate structure is designed as an incentive for the transfer of potable Edwards water rights to the San Antonio Water System in exchange for less expensive use of recycled water for allowed purposes such as irrigation; and

WHEREAS, recycled water usage above the amount of transferred Edwards aquifer water is be charged a higher rate; and

WHEREAS, the San Antonio Water System recommended changes in the recycled water rates pursuant to Ordinance No. 90733, passed and approved October 21, 1999, which amended the recycled water schedule of charges; and

WHEREAS, language set forth in Ordinance No. 90733 erroneously substituted the "transferred amount" and "excess of transferred amount" categories for Edwards Exchange customers with categories based on "748,000 gallons" and "usage in excess of that amount"; and

WHEREAS, the San Antonio Water System Board of Trustees has requested that the City effect an amendment which will correct that error by substituting the original rate category language in place of the erroneous wording; and

WHEREAS, the San Antonio Water System has operated in accordance with its understanding of the correct intention of the special rate structure for Edwards Exchange customers; and

WHEREAS, the San Antonio Water System Board of Trustees has requested the City to ratify the previous actions of the San Antonio Water System in its treatment of Edwards Exchange customers; and

WHEREAS, the City of San Antonio City Council desires to ratify prior actions taken by the San Antonio Water System in fulfilling the true intention of Ordinance No. 90733 and Chapter 34 of the City Code with regards to Edwards Exchange customers; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Ordinance No. 90733 and the City of San Antonio Code is hereby amended by deleting the words "First 748,000" and "Over 748,000" and replacing those words with "Transferred amount" and "All in excess of transferred amount," in Attachment II Page 7 and Section 34-1301 (b) (1) (b), respectively. Such change is shown on Attachment I to this Ordinance.

SECTION 2. All other provisions of Ordinance Nos. 87597 and 90733, and Chapter 34 of the City Code, are not affected by this amendment and shall remain in full force and effect.


SECTION 3. All prior actions taken by the San Antonio Water System in fulfilling the true intentions of Ordinance No. 90733 and Chapter 34 of the City Code with regard to Edwards Exchange customers are hereby ratified.


SECTION 4. Should any Article, Part, Paragraph, Sentence, Phrase, Clause, Word of the Ordinance, for any reason, be held illegal, inoperative, or invalid, or if any exception to our limitation upon any general provision herein contained be held to be unconstitutional, invalid, or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional, invalid, or ineffective.

SECTION 5. This Ordinance shall become effective ten (10) days from date of passage.

PASSED AND APPROVED this 31st day of October, 2002.


M A Y O R **PRO TEM**

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney